

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA

PLAINTIFF

vs.

No. 4:06CR00183 SWW

GARY MARCUS SMITH

DEFENDANT

AMENDED FINAL ORDER OF FORFEITURE

WHEREAS, the United States filed a Motion for an Amended Final Order of Forfeiture, ordering defendants to forfeit their interest in the following:

1. CENTENNIAL BANK (Account No. 59956)
2. CENTENNIAL BANK (Certificate of Deposit No. 3925)
3. CENTENNIAL BANK (Certificate of Deposit No. 3939)
4. E*TRADE (Account No. 67623181)
5. E*TRADE (Account No. 2007844612)
6. FIMAT PREFERRED LLC (Account No. C180919 in the name of Gary M. Smith)
7. TEXAKOMA OPERATING, LP (Check No. 5354 dated December 27, 2005 in the amount of \$13,556.25)
8. 4591 WALL STREET LANE, PINE BLUFF, ARKANSAS (more particularly described as Jefferson County Parcel No. 001-12915-001, NW 1/4 of the SW 1/4 of the SE 1/4, Section 19, Township 7 South, Range 9 West) including all structures affixed to the property which are, but are not limited to, one 80' x 32' manufactured home with serial #DSD4AL35715AB.

9. 4590 WALL STREET, PINE BLUFF, ARKANSAS (more particularly described as Jefferson County Parcel No. 001-12915-004, The Southwest Quarter (1/4) of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section 19, Township 7 South, Range 9 West, containing 10.19 acres +or- (Also known as Lot #4 Hancock South Development)
10. PASCHEE HOUSE, COLUMBUS, BURKE COUNTY, NORTH DAKOTA (more particularly described as Parcel No.07241000, Burke County, North Dakota). Legal Description: South 10' of Lot 8 and all of Lot 9, Block 18, OT, Columbus City
11. 10 ACRES OF LAND IN SULPHUR SPRINGS COMMUNITY, PINE BLUFF, ARKANSAS (more particularly described as Jefferson County Parcel No. 001-10063-000, SE 1/4 of NE 1/4 of SW 1/4, Section 22, Township 6 South, Range 10 West)
12. 7.79 ACRES IN JEFFERSON RIDGE SUBDIVISION, PINE BLUFF, ARKANSAS (more particularly described as Lot 8, Parcel No. 403-00008-000, The Southeast Quarter (SE1/4) of the Northwest Quarter (NW 1/4) of Section 2, Township 4 South, Range 11 West of the 5th P.M., lying West of Highway 365)
13. LOT NOS. 1, 6, AND 15, LOVE CREEK SUBDIVISION, located off Arkansas Highway 365 in Jefferson County, Arkansas, (more fully described as SE1/4 of the NW 1/4, Section 2, Township 4 South, Range 11 West)
14. 2005 GMC SIERRA (VIN NUMBER 1GTHK23295F878665)
15. MCMORDIE 84-1 PROSPECT, ROBERTS COUNTY, TEXAS (Subscription to

4 units, totaling \$223,000)

16. DIAMOND RING
17. JOHN DEERE COMMERCIAL LAWNMOWER
18. D-3 CAT BULLDOZER SERIAL NUMBER 27Y0326.
19. CASE BACKHOE 416 C SERIAL NUMBER 5YN15545 .
20. 26 FOOT FULLY ENCLOSED DOG TRAILER
21. 12 FOOT UTILITY TRAILER
22. JOHN DEERE SIX-WHEEL GATOR WITH DOG BOX VIN NUMBER
W006X4X066701
23. SEVEN COMPARTMENT DOG BOX
24. YAMAHA MULE
25. PORTABLE DOG KENNEL

WHEREAS, the United States has previously caused to be published in the Arkansas Democrat Gazette, a newspaper of general circulation, notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the law and as specified in the Preliminary Order, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property;

WHEREAS, the United States also provided actual notice to all interested parties, including to the defendants;

WHEREAS, claims were filed by ;

1. Petitioner James Jackson filed a claim on November 22, 2006 as to Lot No. 6, Love Creek Subdivision, located off Highway 365 in Jefferson County, Arkansas, more fully

described as SE 1/4 of the NW 1/4, Section 4 South, Range 11 West. The United States acknowledges Petitioner Jackson's claim.

2. Petitioners Brian and Angie Ply filed a claim on January 11, 2007 as to Lot No. 15, Love Creek Subdivision, located off Highway 365 in Jefferson County, Arkansas more fully described as SE 1/4 of the NW 1/4, Section 2, Township 4 South, Range 11 West. The United States acknowledges Petitioner's Brian and Angie Ply's claim.

3. Petitioners Joe and Melissa Boyd filed a claim on December 8, 2006 as to Lot No. 1, Love Creek Subdivision, located off Arkansas Highway 365 in Jefferson County, Arkansas, more fully described as SE1/4 of the NW 1/4, Section 2, Township 4 South, Range 11 West. The United States acknowledges Petitioners Joe and Melissa Boyd's claim.

4. Petitioners Rodney Eugene Moore and Jennifer Traci Moore filed a claim on November 15, 2006 as to 7.79 acres in Jefferson Ridge Subdivision, Pine Bluff, Arkansas more particularly described as Lot 8, Parcel No. 403-00008-000, The Southeast Quarter (SE1/4) of the Northwest Quarter (NW 1/4) of Section 2, Township 4 South, Range 11 West of the 5th P.M., lying West of Highway 365. The United States acknowledges Petitioners Rodney Eugene Moore and Jennifer Traci Moore's claim.

5. Petitioner Green Tree Servicing LLC ("Green Tree") filed a claim on September 19, 2006 as to 4591 Wall Street Lane, Pine Bluff, Arkansas, more particularly described as real property located at Jefferson County Parcel No. 001-12915-001, NW 1/4 of the SW 1/4 of the SE 1/4, Section 19, Township 7 South, Range 9 West. The United States acknowledged Petitioner Green Tree Servicing LLC's claim and continues to acknowledge Petitioner's claim.

6. Petitioner Teresa Smith wife of defendant Gary M. Smith a/k/a Gary Smith filed a

notice of claim to the forfeited properties on May 15, 2006. On March 2, 2007, Teresa Smith released any claim to the forfeited properties and waived her right to any ownership interest in said properties.

WHEREAS, no claims were filed by any other persons with respect to any of the property

described herein;

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that all right, title, and interest in all of property set forth above is hereby forfeited to the United States, and the United States Marshal shall dispose of such property according to law.

SO ORDERED this 24th day of June, 2008.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE